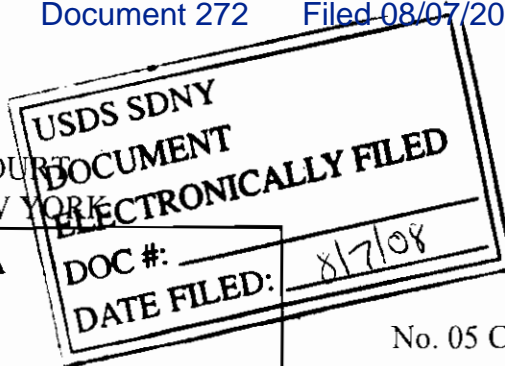


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA



-v-

No. 05 Crim. 621 (RJS)

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

ORDER

Defendants.

RICHARD J. SULLIVAN, District Judge:

By letter dated August 5, 2008, the government “seeks guidance from the Court” regarding whether I will preside over the depositions of witnesses in the United Kingdom (“U.K.”). (Govt.’s Aug. 5 Ltr. at 3.) The parties are hereby advised that I am available to preside over the depositions via video link on September 8-10, 2008. The government shall provide updates to the Court as necessary regarding the scheduling of the depositions.

The government also asks the Court to establish bail conditions that would permit defendants Alberto William Vilar and Gary Alan Tanaka to travel to the U.K. to attend the depositions. Specifically, the government proposes that the Court adopt the same conditions set forth in the Court’s order dated March 25, 2008, wherein the Court modified defendants’ bail conditions, and imposed certain travel restrictions, in order to permit them to travel to London, England.¹

Having consulted with Pretrial Service Officer Leo Barrios, and having considered the interests of the government, the defendants, and the public in permitting defendants to travel to the U.K., IT IS HEREBY ORDERED that defendants may travel to the U.K. to attend the depositions, subject to the following directives:

¹ It appears that, following the Court’s March 25 order, neither defendant actually traveled to London.

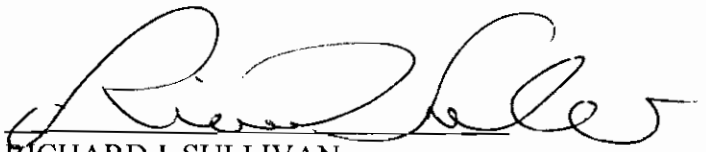
1. Defendants shall depart from the United States for the U.K. no more than two days prior to the commencement of the depositions, and shall return to the United States from the U.K. within two days of the completion of the depositions.
2. During their stay in the U.K., defendants shall attend each day of deposition testimony.
3. As soon as possible after the details of the deposition are finalized, defendants shall provide a detailed travel itinerary to Pretrial Services, including flight information, the locations in U.K. where they will reside during the trip, and telephone numbers where Pretrial Services will be able to reach defendants in the U.K.
3. The government shall return defendants' passports to them for the limited purpose of completing the travel described herein. Upon defendants' return to the United States, they shall surrender their passports to the government or Pretrial Services as soon as possible.
4. All other existing bail conditions shall remain unchanged and in effect except to the extent that they are inconsistent with the modifications set forth herein.

The Court notes that, in the March 25 order permitting defendants to travel to London, it required defendants, *inter alia*, to report by telephone to Pretrial Services twice each day and to submit, at their own expense, to electronic monitoring during the duration of their stay. The Court, having considered the views of Officer Barrios, does *not* consider these conditions to be necessary for defendants' upcoming trip, given that defendants are required to appear at the depositions each day and will be in frequent contact with their own counsel and the government.

The above-recited modifications shall *not* take effect unless and until each of the suretors and/or co-signers of bonds for defendants submits an affidavit advising the Court (1) that the suretor and/or co-signer is aware of the bail modifications set forth herein, (2) that he or she has no objection to these changes, and (3) that he or she is willing to continue to provide security and/or to remain a co-signer of a bond as to the defendant at issue and in light of the modifications set forth herein.

SO ORDERED.

Dated: New York, New York
August 6, 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE